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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAIL BRANCH

In re Applications of

Robert B. Taylor
Jupiter, Florida

For Renewal of Station WTRU(FM)

Jupiter Broadcasting, Corp.
Jupiter, Florida

For a Construction Permit

MM Docket No. 92-114

FCC File No. BRH-880926UJ

FCC File No. BPH-890103MD

To: Honorable Walter C. Miller
Administrative Law Judge

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**REPLY TO TAYLOR OPPOSITION TO SECOND
PETITION TO ENLARGE ISSUES**

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

1. Jupiter Broadcasting Corp. ("JBC") submits the following in reply to the "Taylor Opposition To Second Petition To Enlarge Issues" filed August 12, 1992. Mr. Taylor's arguments are addressed seriatim.

2. Mr. Taylor argues that, contrary to JBC's allegations, he was not a proponent of the Jupiter frequency change in the Melbourne, Florida rule making. This argument is, apparently, based upon some sort of redefinition of the word "proponent." The American Heritage Dictionary, Second College Edition (1982) defines proponent as "One who argues in support of something; advocate." This is precisely what Mr. Taylor was. He filed comments supporting the Melbourne, Florida frequency changes. He did so twice. He was clearly a proponent of these frequency changes.

3. Mr. Taylor argues that he had to support the Melbourne

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Florida frequency change because, had he opposed it, he would have simply delayed the assignment of a new channel to his Jupiter FM station. There is no way to know if this is true. Mr. Taylor did not oppose the frequency change. He certainly had the right to file an opposition. He also had the right to be compensated for any involuntary channel change to his Jupiter station. This is, of course, what raises the question: Why did Mr. Taylor act affirmatively to support the Melbourne rule making?

4. Mr. Taylor was asked to admit that the reason he consented to Silicon East Communications Coporation's proposal to upgrade the channel of Station WAOA at Melbourne was that he was seeking a channel on which Station WTRU(FM) could be upgraded. He denied this. His denial was false. Its falsity is proved by his letter of April 2, 1987 proposing strategies to upgrade WTRU(FM)'s channel in the Melbourne rule making proceeding. His letter was written weeks before Mr. Taylor's company filed its April 30, 1987 "Statement In Support Of Petition For Rulemaking" in the Melbourne proceeding.

5. Mr. Taylor's opposition argues that Mr. Taylor was not seeking a Jupiter FM Channel change when Mr. Hess of Silicon East filed the Melbourne rule making. This may be true but it is irrelevant. Mr. Taylor was certainly planning a Jupiter FM upgrade on April 30, 1987, when he filed in support of Silicon East's rule making petition.

6. Mr. Taylor argues that his letter to Mr. Bayes proposing to stop a Jupiter FM allotment by filing a White City FM

counterproposal did not reflect Mr. Taylor's true motives. Mr. Taylor argues that he truly intended to apply for a new FM station in White City.

7. The facts belie Mr. Taylor's arguments. His letter demonstrates that the White City proposal was concocted solely to stop the new Jupiter allotment. He never filed an application for a construction permit on the White City allotment. As recently as June 12, 1992, Mr. Taylor's explanation of this failure to file was "...the Commission rejected U.S. Three's request to allot channel 288A at White City. Instead the Commission decided to allot a different channel at White City, Channel 284A. U.S. Three had not requested that Channel 284A be allotted to White City. And U.S. Three did not indicate to the Commission that it intended to apply for channel 284A at White City."¹


8. Mr. Taylor's opposition to JBC's Second Petition To Enlarge Issues Against Robert B. Taylor is, principally, a collection of rationalizations trying to explain how Robert B. Taylor really did not mean what he actually said and did. It is wholly unpersuasive and should be rejected.

August 21, 1992

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Respectfully submitted,



Joseph A. Belisle
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¹See Opposition To First Petition To Enlarge Issues Against Robert B. Taylor, dated June 12, 1992, at page 9.

CERTIFICATE OF SERVICE

I, Tania M. Rehman, hereby certify that the attached Reply To Taylor Opposition To Second Petition To Enlarge Issues submitted on behalf of Jupiter Broadcasting, Corp. was sent this 21st day of August, 1992 to the following persons by U.S. mail, first class postage prepaid:

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